6.1 What is the purpose of this chapter? This chapter provides guidance for Fish and Wildlife Service compliance with the hazardous waste portion (Subtitle C) of the Solid Waste Disposal Act (SWDA); to reduce liability for the improper handling and disposal of hazardous waste; to promote the protection of health and the environment; and to conserve valuable material and resources through proper management and minimization of hazardous waste.

6.2 What is the Service's policy?

A. The Service will comply with all applicable Federal, State, and local hazardous waste regulations.

B. In order to further reduce the Service's potential liability for hazardous wastes and to offer additional protection to the Service's trust resources, each Service facility must, as a minimum, develop and maintain a hazardous waste inventory, provide basic hazardous waste management guidelines, and have a simplified Hazardous Waste Contingency Plan.

6.3 Who is responsible for the program?

A. Chief, Division of Engineering is responsible for overall leadership and coordination of the Service's hazardous waste management program. Responsibilities include, but are not limited to:

(1) Providing technical guidance, assistance, and training to Regional Compliance Coordinators and Service field stations.

(2) Tracking corrective actions on violations and compliance schedules issued by regulatory agencies to Service facilities, along with existing and projected funding requirements.

(3) Anticipating and evaluating the effect of new/proposed regulations on Service facilities and funding requirements necessary to keep facilities in compliance.

(4) Reviewing and interpreting Federal legislative or administrative actions that affect Service facilities and providing awareness and understanding of the public health aspects and compliance requirements of these actions to all Service facility managers.

B. Regional Engineer/Environmental Compliance Coordinator. The Regional Engineer or designated Regional Compliance Coordinator is responsible for the coordination and effectiveness of the hazardous waste management program within the Region. The Regional Engineer/Compliance Coordinator must:

(1) Assist facility managers in developing a hazardous waste inventory for their facilities.

(2) Assist facility managers in tailoring the required contingency and training program to their specific facilities and wastes.

(3) Assist facility managers in determining the storage, disposal, reporting, and recordkeeping requirements appropriate for their facilities.

(4) Notify the Division of Engineering when a facility is in violation/noncompliance and assist facility managers in bringing facilities back into compliance.

(5) Review and interpret State legislative or administrative actions that affect Service facilities. Provide full awareness and understanding of the environmental compliance requirements of these actions to all Service facility managers within the affected State.

(6) Advise the Regional Director of new/proposed regulations covering Service facilities and the funding requirements necessary to keep facilities in compliance.

(7) Maintain a cooperative working relationship with State hazardous waste management regulatory agencies.

C. Facility Managers/Project Leaders. Facility managers and/or project leaders must:

(1) Maintain close contact and coordinate with the local regulating agency.

(2) Maintain a hazardous waste inventory for the facility.

(3) Establish and comply with the required contingency and training requirements for their specific facility and wastes.

(4) Determine, with assistance from the Regional Engineer and the Division of Engineering, the storage, disposal, reporting, and recordkeeping requirements appropriate for the facility.

(5) Ensure the facility is operated according to all environmental compliance regulatory requirements, including Federal, State, local, and Service policy and that all required reports are submitted on time.

(6) Provide the required notification (including the Regional Engineer/Environmental Compliance Coordinator) when the facility is in violation/noncompliance.

(7) Ensure station personnel are trained in the proper handling, storage, labeling, transportation and disposal of hazardous materials and wastes.

(8) Ensure that records are retained at least as long as required by Federal and State regulations.

D. Employees. Service employees who work with hazardous wastes and materials must:

(1) Follow proper applicable laws and directives in the handling, labeling, storage and disposal of hazardous wastes and materials. Burial or dumping of any hazardous material or waste is strictly prohibited.

(2) Wear proper safety equipment while using or handling any hazardous waste or material.

6.4 What is the scope of this chapter? This chapter applies to all Service-owned or operated facilities that generate, handle, store, transport, treat and/or dispose of hazardous wastes. In order to protect Service lands and minimize the Service's responsibility or liability for hazardous waste that is not generated by the Service, the general provisions of this chapter must also be included in the terms of any special use permit, lease, or concession agreement that could involve the generation, handling, storage, transportation, treatment and/or disposal of hazardous waste.

6.5 What are the authorities for this chapter?

A. Solid Waste Disposal Act (Public Law 94-580, 42 U.S.C. 6901 *et seq.*).

B. Hazardous Materials Transportation Act (Public Law 93-633, 49 U.S.C. 1801 *et seq.*).

C. Executive Order 13101, September 14, 1998, Greening the Government Through Waste Prevention, Recycling and Federal Acquisition, strengthens and expands Federal commitment to recycling and buying recycled content (replaces Executive Order 12873).

D. Executive Order 13148, Leadership in Environmental Management, April 22, 2000, requires implementing environmental management, audit programs, right-to-know laws and pollution prevention, release reduction and use reduction of toxic chemicals and environmentally beneficial landscaping (replaces Executive Orders 12843, 12856, 12969 and Sections 1-4 of 12088).

E. Hazardous Waste Management System: General (40 CFR 260).

F. Identification and Listing of Hazardous Waste (40 CFR 261).

G. Standards Applicable to Generators of Hazardous Waste (40 CFR 262).

H. Standards Applicable to Transporters of Hazardous Waste (40 CFR 263).

I. Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (40 CFR 264).

J. Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities (40 CFR 265).

K. Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities (40 CFR 266).

L. Land Disposal Restrictions (40 CFR 268).

M. Standards for the Management of Used Oil (40 CFR 279).

N. General Information, Regulations, and Definitions (49 CFR 171).

O. Hazardous Materials Tables, Hazardous Materials Communications Requirements and Emergency Response Information Requirements (49 CFR 172).

P. Shippers, General Requirements for Shipments and Packaging (49 CFR 173).

6.6 What are the definitions for the terms used in this chapter? Some of the more important definitions from 40 CFR 260 are stated below. A complete list of regulatory definitions can be found in 40 CFR 260.10.

A. Acute Hazardous Waste. Any waste listed under 40 CFR 261.31-261.33(c) with a hazard code of H. These include USEPA hazardous waste numbers: F020, F021, F022, F023, F026, and F027.

B. Contingency Plan. A document setting out an organized, planned, and coordinated course of action to be followed in case of a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

C. Dike. An embankment or ridge of either natural or man-made materials used to prevent the movement of liquids, sludges, solids, or other materials.

D. Discharge or Hazardous Waste Discharge. The accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of hazardous waste into or on any land or water.

E. Disposal. The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into the waters, including ground waters.

F. EPA Hazardous Waste Number. The number assigned by EPA to each hazardous waste listed in 40 CFR 261, Subpart D and to each characteristic identified in 40 CFR 261, Subpart C.

G. EPA Identification Number. The number assigned by EPA to each generator, transporter, and treatment, storage, or disposal facility.

H. Facility. All contiguous land and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them).

I. Generator. Any person, by site, whose act or process produces hazardous waste identified or listed in 40 CFR 261 or whose act first causes a hazardous waste to become subject to regulation.

J. Hazardous Waste. A solid waste identified as a characteristic or listed hazardous waste in 40 CFR 261.3. (See paragraph 6.7C(4) below.)

K. Landfill. A disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a pile, a land treatment facility, a surface impoundment, an underground injection well, a salt dome formation, an underground mine, or a cave.

L. Management or Hazardous Waste Management. The systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous waste.

M. Operator. The person responsible for the overall operation of a facility.

N. RCRA. The Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended.

O. Sludge. Any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

P. Small Quantity Generator. A generator who generates no more than 1000 kg of a hazardous waste in a calendar month.

Q. Storage. The holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.

R. Tank. A stationary device, designed to contain an accumulation of hazardous waste which is constructed primarily of non-earthen materials (e.g., concrete, steel, plastic) which provide structural support.

S. Treatment. Any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste to neutralize such hazardous waste, or to recover energy or material resources from the waste, or to render such waste non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.

T. Treatment, Storage or Disposal Facility (TSDF). A licensed facility where hazardous waste is stored, treated, or disposed.

6.7 What are the general provisions of this chapter?

A. Federal Compliance. The SWDA, as amended by the Federal Facility Compliance Act (FFCA) of 1992, provides for a waiver of sovereign immunity with respect to Federal, State, interstate, and local procedural and substantive requirements related to solid and hazardous waste disposal and management. As stated in Section 6001 of the SWDA, "Neither the United States, nor any agent, employee, or officer thereof, shall be immune or exempt from any process or sanction of any State or Federal Court... No agent, employee, or officer of the United States shall be personally liable for any civil penalty under any Federal, State, interstate, or local solid or hazardous waste law with respect to any act or omission within the scope of the official duties of the agent, employee, or officer. An agent, employee, or officer of the United States shall be subject to any criminal sanction (including, but not limited to, any fine or imprisonment) under any Federal or State solid or hazardous waste law... The President may exempt any solid waste management facility... in the executive branch from compliance with such a requirement if he determines it to be in the paramount interest of the United States to do so. No such exemption shall be granted due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation."

B. National Standards. The Environmental Protection Agency (EPA) established national hazardous waste standards which provide for cradle-to-grave management of hazardous wastes and make the "generator" liable if an illegal or improper disposal should occur. Many States have been authorized to manage their own State programs for hazardous wastes. Some of the authorized States have adopted the EPA regulations by reference or have promulgated regulations which are identical to the EPA regulations, while other States have promulgated regulations which are more strict than the Federal regulations. This chapter is based solely on the Federal

regulations as established by EPA in the Code of Federal Regulations, Title 40; therefore, it is very important to determine in what ways the applicable State program differs from the Federal program so that the hazardous waste management plan for a facility covers all the regulations that apply to the facility.

C. Waste Identification and Classification.

(1) All facilities must identify and classify their solid wastes; that is, all solid waste streams generated throughout the facility must be identified and then classified as hazardous or non-hazardous according to EPA and State definitions.

(2) The first step in meeting the requirement is to identify the waste streams. The SWDA defines a waste as:

(a) A useless by-product of an operation.

(b) A material which is to be disposed.

(c) Any material which can no longer be used.

(d) A manufacturing by-product.

(3) Once the waste streams are identified, it must be determined whether the waste meets the definition of a solid waste. The SWDA defines a solid waste as any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows or industrial discharges which are point sources subject to permits under Section 401 of the Federal Water Pollution Control Act, as amended, or source, special nuclear, or by-product material as defined by the Atomic Energy Act, as amended.

(4) All solid wastes must then be screened to determine whether they are hazardous. The SWDA defines a hazardous waste as a solid waste or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. The EPA has determined that the following meet the definition of a hazardous waste:

(a) A waste which is listed as hazardous in the regulations (40 CFR 261).

(b) A mixture that includes a listed hazardous waste.

(c) A waste which exhibits any of four characteristics; that is, ignitability, corrosivity, reactivity, or toxicity, as defined in 40 CFR 261.21 through 40 CFR 261.24.

(5) The following procedures should be used to apply the EPA definitions to a solid waste to determine if the waste is hazardous. If it is, the procedures will identify the appropriate EPA hazardous waste number for each waste:

(a) Determine the proper name of the waste and its specific source.

(b) Check 40 CFR 261 Subpart D, using the hazardous waste lists in the following order:

(i) "U" List (40 CFR 261.33f)

(ii) "P" List (40 CFR 261.33e)

(iii) "K" List (40 CFR 261.32) for a specific source of waste

(iv) "F" List (40 CFR 261.31) for a non-specific source of waste

(c) If not listed in Subpart D, determine if the waste exhibits any of the four characteristics defined in Subpart C. The four characteristics are:

(i) Ignitability (40 CFR 261.21)

(ii) Corrosivity (40 CFR 261.22)

(iii) Reactivity (40 CFR 261.23)

(iv) Toxicity (40 CFR 261.24)

(6) Most facilities produce wastes consistent in character; therefore, what is often the most confusing aspect of the regulations -- characterization and classification -- becomes a periodic verification function.

D. Hazardous Waste Inventory. The most important step in developing a hazardous waste management plan and properly assessing hazardous waste management at a facility is to develop a hazardous waste inventory; therefore all Service facilities must develop a hazardous waste inventory. This inventory should consist of wastes which have been designated as hazardous by Federal regulations (40 CFR 261) and respective State regulations. The hazardous waste inventory must contain, at a minimum, the following:

(1) The name of the facility responsible for generating the hazardous waste.

(2) The EPA and DOT identification numbers and waste description.

(3) The known hazard of the waste (e.g., is it toxic, corrosive, reactive, and/or ignitable?).

(4) The quantity of the hazardous waste generated monthly.

(5) The location of the hazardous waste generation.

(6) The type of storage (e.g., is it in container, underground tank, aboveground tank, or other type of storage?).

(7) The quantity of hazardous waste stored at one time and the location of the storage area.

(8) The length of time the hazardous waste can be stored (depends on current generator status).

(9) The current removal/disposal practice for each waste.

(10) All records, including manifests, of hazardous waste disposal.

E. Generator Status.

(1) Once the owner or operator of a facility has identified those wastes which are hazardous, the applicability of the other Federal regulations to a facility is determined by the quantity of those identified hazardous wastes generated each month. Within Federal regulations, the three classifications of generator status are:

(a) Conditionally Exempt Small Quantity Generator (CESQG). A CESQG is any facility which generates no more than 100 kilograms (220 pounds) of hazardous waste or 1 kilogram (2.2 pounds) of acute hazardous waste in one month and has no more than 1000 kilograms (2200 pounds) of total accumulated hazardous waste and no more than 1 kilogram (2.2 pounds) of accumulated acute hazardous waste at any time. When either the volume of waste produced in one month exceeds 100 kilograms or more than 1000 kilograms of waste has accumulated onsite, the facility is required to comply with the more stringent standards applicable to a Small Quantity Generator. If the volume of acute hazardous waste produced in one month exceeds 1 kilogram or the volume of accumulated acute hazardous waste exceeds 1 kilogram, all quantities of the acute hazardous waste become subject to the full regulations of a Generator. Most of the Service's facilities are within this classification of generator status. Operational standards for CESQGs are listed in 40 CFR 261.5.

(b) Small Quantity Generator (SQG). An SQG is any facility generating more than 100 kilograms (220 pounds) hazardous waste but less than 1000 kilograms (2200 pounds) of hazardous waste and no more than 1 kilogram (2.2 pounds) of acute hazardous waste in one month. In addition, hazardous waste can be accumulated onsite no more than 180 days, or 270 days if the waste is to be shipped more than 200 miles, and the total accumulated hazardous waste at any one time must not exceed 6000 kilograms (13,200 pounds). When the volume of waste generated in one month exceeds 1000 kilograms, the volume of acute hazardous waste produced in one month exceeds 1 kilogram, the accumulated volume of acute hazardous waste exceeds 1 kilogram, the accumulated time onsite is exceeded, or more than 6000 kilograms of waste is onsite, the facility is required to comply with the standards of a Generator. Operational standards for SQGs are listed in 40 CFR 262.

(c) Generator. A Generator is any facility which produces more than 1000 kilograms (2200 pounds) of hazardous waste or more than 1 kilogram (2.2 pounds) of acutely hazardous waste in one month. The term "Generator" will be capitalized in this document to distinguish it from other degrees of hazardous waste generator status. Generators can accumulate hazardous waste onsite for no more than 90 days. Operational standards for Generators are listed in 40 CFR 262.

(2) Conditionally exempt small quantity generator status and SQG status must be monitored constantly. If in any month the facility exceeds the waste generation threshold for its status, all of the requirements for the new, higher generator status apply for that month. While it may seem unreasonable for a facility to be required to comply with the more stringent training, storage area, recordkeeping, and other RCRA mandates for only one month, that is the requirement. Therefore, managers should ensure the operation of the facility will allow compliance with the thresholds on a very regular basis. Records must be maintained to substantiate the generator status claimed by a facility or station.

(3) It should be noted that all States do not use the same classifications of generator status and that they may have differing compliance requirements for the various classifications (e.g., California does not have a CESQG status; many States require all classifications of generators to inspect drum storage areas; and some States have more restrictive storage times or volumes).

F. Storage.

(1) The Federal hazardous waste management regulations require Generators to meet specific requirements for containers, storage areas, segregation of incompatible wastes, the inspection of containers and storage areas, and spill control/containment materials. The regulations also contain specific requirements for SQGs regarding containers, segregation of incompatible wastes, and storage areas. For CESQGs, the only Federal requirement deals with the regulatory definition of when a container is empty and, therefore, exempt from the hazardous waste requirements.

(2) Service facilities must follow the minimum good storage practices listed below:

(a) Provide satellite accumulation points (SAPs) at SQGs and Generators.

(i) Wastes stored at or near the point of generation and under the direct control of the operator are considered SAPs. An SAP may accumulate a maximum 55 gallons of hazardous waste or one quart of acutely hazardous waste in containers at or near the point of generation without a RCRA hazardous waste storage permit. An SAP may collect one type of waste or collect various types of waste in separate containers as long as the total quantity of waste in the SAP does not exceed 55 gallons. After accumulation of 55 gallons of hazardous waste, the container must be dated immediately. Generators are allowed 72 hours to move the waste to the onsite hazardous waste storage area or to a TSDF.

(ii) Containers in SAPs must be in good condition, compatible with the waste stored, kept closed except when waste is being added or removed, and marked "HAZARDOUS WASTE" or other appropriate identification.

(b) Utilize hazardous waste containers that are:

(i) Authorized by DOT for transportation of the specific waste material.

(ii) Always closed except when necessary to add or remove waste.

(iii) In good condition -- have no rust, bulges, or dents, and closure rings and bungs must be tightly fitted.

(iv) Made of or lined with a material which will not react with and is otherwise compatible with the hazardous waste it will be used for, in particular, strong caustics and acids must not be stored in metal drums.

(v) Opened, closed, and handled in a manner to prevent rupture or leakage of the containers.

(vi) Properly labeled and marked as specified by DOT and EPA.

(c) Store hazardous waste containers in designated storage areas following these instructions:

(i) The storage area must contain portable fire extinguishers and special extinguishing equipment if required for the stored wastes.

(ii) The label on a drum in the hazardous waste storage area for a Generator or SQG must have the date of the first drop of waste placed in the drum. Generators then have 90 days and SQGs have 180 days to move that drum to a TSDF. If the drum came full from a satellite accumulation point, the date it enters the hazardous waste storage area must be on the label.

(iii) Waste in the storage area must be segregated in a fashion that will prevent incompatible wastes mixing in the event of a spill or leak. The segregation of wastes by category is necessary for the safety of personnel. Also, proper segregation of waste enables minimization techniques such as solvent recycling, waste oil reclamation, and use of unused waste fuels as an alternative energy source. Waste should be categorized according to types of hazardous waste generated and possible recycling, reclamation, reutilization or other minimization techniques available.

(iv) Containers of hazardous waste must be positioned, at all times, so that the hazardous waste label is clearly visible.

(v) Containers must not be stored more than two inches high and have pallets between the layers.

(vi) Containers of highly flammable wastes must be electrically grounded.

(vii) Sufficient aisle space (36 inches) must be maintained between rows of containers to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment.

(viii) Adequate spill control/containment material must be maintained on-hand to contain and/or clean up a spill.

(ix) Spills or leaks of hazardous waste must be promptly cleaned up and the spilled material disposed of as a hazardous waste. Leaking containers must be promptly repackaged into a DOT recover drum, or the contents placed into another container, whichever is more appropriate. If contents are transferred to a new container, the damaged container should be handled as a hazardous waste unless triple rinsed. Leaks and spills should be cleaned up by properly trained personnel.

(x) When possible, containers used for disposing of hazardous waste should be placed under a roof to prevent over-heating from direct sunlight and the accumulation of precipitation in the secondary containment.

(d) Inspect the storage area and containers periodically. The periodic inspection will check for leaks, container condition (bulging, rusting, dented, or damaged drums), compatibility/segregation of wastes, required labels, adequate aisle space, proper safety equipment, adequate spill control materials, and storage period compliance. Inspection logs must be maintained by station personnel.

G. Hazardous Waste Contingency Plan.

(1) A contingency plan is designed to minimize hazards to

human health and the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents.

(2) Generator facilities which accumulate waste on-site for 90-days or less are required to have a Hazardous Waste Contingency Plan prepared in accordance with 40 CFR 262.34 (a)(4).

(3) Small Quantity Generators are required to have a modified form of the Hazardous Waste Contingency Plan prepared in accordance with 40 CFR 262.34 (d)(5).

(4) A CESQG is not required to have a Hazardous Waste Contingency Plan; however, since preparing a Hazardous Waste Contingency Plan is consistent with good management practice and provides increased protection for human health, the environment, and the Service's trust resources, all Service facilities must prepare a Hazardous Waste Contingency Plan. The Hazardous Waste Contingency Plan should be brief and specific for both the facility and the hazardous wastes managed. Exhibit 1 shows an example of a Hazardous Waste Contingency Plan suitable for SQGs and CESQGs. The Hazardous Waste Contingency Plan should include, as a minimum:

(a) A description of actions to be taken during an emergency.

(b) A description of arrangements made with local police departments, fire departments, hospitals, contractors, and State and local emergency response teams as appropriate.

(c) Names and phone numbers of all persons qualified to act as emergency coordinators.

(d) A list of all emergency equipment at the facility and where this equipment is located, the requirements, and what it looks like.

(e) An evacuation plan for facility personnel when the possibility for an evacuation is needed.

(5) The contingency plan needs to be routinely reviewed and updated, especially when the emergency coordinators change, the waste being handled changes, and/or the list of emergency equipment changes.

H. Disposal.

(1) A CESQG may either treat its hazardous waste onsite or ensure delivery of that hazardous waste to a facility that is authorized by EPA or an authorized State to accept that hazardous waste. A facility authorized to accept hazardous waste is a Federally permitted or interim status hazardous waste treatment, storage, or disposal facility; a facility that is located in an authorized State and that is authorized to manage hazardous waste; a facility permitted, licensed, or registered by a State to manage municipal or industrial solid waste; a facility which beneficially uses, reuses, or reclaims the waste; or a universal waste handler or destination facility. Although CESQGs are not required by Federal regulations to obtain an EPA ID number, or use a hazardous waste manifest when shipping hazardous wastes, some States and/or disposal facilities may require that the generator comply with these standards.

(2) Wastes generated by SQGs and Generators must be disposed of by delivering to an onsite or offsite permitted or interim status TSDF. Small Quantity Generators and Generators must not offer hazardous waste to transporters or to TSDFs that have not received an EPA ID. Small Quantity Generators and Generators who transport, or offer for transportation, hazardous waste for offsite treatment, storage, or disposal, must prepare a Uniform Hazardous Waste Manifest according to the instructions in 40 CFR 262 Subpart B and the appendix to 40 CFR 262.

(3) It is important to remember the manifests and the information on them are first and last the responsibility of the facility. The inventory on the manifest should be checked by the manager/project leader to see that the types of wastes listed, number of containers, and volumes are accurate before signing the manifest. The help of a vendor or contractor may be useful, but the accuracy of the manifest and the signature on the manifest, are the Service's responsibility and potential liability.

(4) The Land Disposal Restrictions (LDRs), commonly called the "land ban," prohibit untreated wastes from being disposed of in landfills, surface impoundments, waste piles, injection wells, and land treatment facilities. Small Quantity Generators and Generators must test their wastes or use process knowledge to determine if they are restricted from land disposal. When an SQG or a Generator is managing a restricted waste, a notice must be issued to the TSDF in writing of the appropriate treatment standards and prohibition levels. The Federal requirements for LDRs are contained in 40 CFR 268.

I. Hazardous Waste Minimization.

(1) When SQGs or generators of hazardous waste ship waste offsite, they must prepare a Uniform Hazardous Waste Manifest. By signing the manifest as required in 40 CFR 262.23 (a)(1), the generator is also certifying that a program is in place to reduce the volume and toxicity of generated waste.

(2) Generators of hazardous waste that ship to an offsite TSDF must prepare and submit an EPA Biennial Report, as required by 40 CFR 262.41. A description of the efforts undertaken during the year to reduce the volume and toxicity of hazardous waste, and a description of the changes in volume and toxicity must be included in the report as required by 40 CFR 262.41 (a)(6) and (7).

(3) Since pollution prevention and hazardous waste minimization offer a method of conserving resources, lowering a facility's generator status, and reducing the risk of violating hazardous waste management regulations, all Service facilities must reduce hazardous waste generation and disposal by implementing a combination of the following procedures and processes:

(a) Eliminating and/or reducing, at the source, the use of hazardous materials by changing the process, requirement, or materials used.

(b) Substituting a less hazardous/toxic material in the process.

(c) Reducing and/or eliminating the generation of hazardous waste by production process or equipment changes.

(d) Recycling, recovery and reuse of hazardous materials;

(e) Reducing and/or eliminating excess and expired shelf-life hazardous materials.

(f) Treating the hazardous waste to reduce the volume or make it less toxic or non-hazardous.

(g) Destroying the hazardous waste.

(h) Disposing, as a last resort.

J. Reporting.

(1) An SQG who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated TSDF within 60 days of the date the waste was accepted by the initial transporter, must submit a legible copy of the manifest, with some indication that the SQG has not received confirmation of delivery, to EPA.

(2) A Generator who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated TSDF within 35 days of the date the waste was accepted by the initial transporter, must contact the transporter and/or the owner or operator of the TSDF to determine the status of the hazardous waste. The Generator must submit an Exception Report to EPA if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated TSDF within 45 days of the date the waste was accepted by the initial transporter. The Exception Report must include a legible copy of the manifest for which the Generator does not have confirmation of delivery and a cover letter signed by the Generator or his authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts.

(3) A Generator who ships any hazardous waste offsite to a TSDF within the United States must prepare and submit a Biennial Report to EPA by March 1 of each even numbered year. The requirements of the Biennial Report are in 40 CFR 262.41.

K. Training.

(1) Generators are required to have a training program for personnel who handle hazardous waste. The training program must meet the requirements of 40 CFR 262.34 (a)(4) and 265.16 (a) through 265.16 (c).

(2) Small Quantity Generators are required to have a modified training program for personnel who handle hazardous waste. The training program must meet the requirements of 40 CFR 262.34 (d)(5)(iii).

L. Recordkeeping. The Resource Conservation and Recovery Act specifies certain types of records that may be audited by Federal or State officials and, therefore, need to be easily accessible. Such reports and records include the characterization and classification of wastes, hazardous waste storage records, records on the inspection of satellite accumulation points and storage areas, hazardous waste reports, personnel training records, medical records, hazardous waste manifests, and Land Disposal Restriction records. The record retention times specified in the regulations are minimum times and are automatically extended during the course of any unresolved enforcement action regarding the facility. It is important to remember that when dealing with regulators, all actions in complying with environmental law must be documented, or regulators view them as not happening. This also applies to calls to regulators for resolution of a question.

6.8 What other related laws apply? The Clean Water Act (CWA) and its promulgated regulations establish quantity limits for reporting spills of hazardous wastes. The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and regulations promulgated under it provide for identification, notification, reporting and response to discharges of oil and releases of hazardous substances, pollutants, and contaminants. They also require coordination, notification and reporting to local community and State planning committees. In addition, there are Occupational Safety and Health Administration regulations pertaining to worker safety and training requirements for those involved with hazardous wastes.

6.9 Where can additional information by found? The Service's Environmental Compliance Auditing Handbook (ECAH) provides detailed information on the Federal regulations covering hazardous waste as they apply to Service facilities. The appropriate State supplement provides additional information on State regulations when they are more protective than the Federal requirements.